



City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: March 15, 2011
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN
YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 10-203840 DZ – NEW STOREFRONTS,
DOORS, AND CANOPIES**

GENERAL INFORMATION

Applicant: United States National Bank Of Oregon
PO Box 3168
Portland, OR 97208-3168

Ron Woodruff, Architect
1225 SE Mall Street
Portland, OR 97202

Representative: Peter Fry,
2153 SW Main Street #105
Portland, OR 97205

Site Address: 1207 NW Glisan Street

Legal Description: BLOCK 87 LOT 1&4, COUCHS ADD
Tax Account No.: R180207910
State ID No.: 1N1E33AD 03900
Quarter Section: 2928

Neighborhood: Pearl District, contact Patricia Gardner at 503-228-3273.
Business District: Pearl District Business Association, contact Adele Nofield at 503-223-0070.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - River District
Zoning: EXd, Central Employment with Design Overlay
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant is seeking Design Review approval for a proposal to:

- convert four sections of storefront to operable (bi-folding) wood windows; and a fifth to a fixed window with matching appearance;
- replace existing entry doors with new wood doors;
- install three new metal canopies over storefront openings on NW 12th Avenue; and
- install new down lights at columns above the canopies in nine locations.

Design Review is required because the site is a designated design zone and the proposal is for non-exempt exterior alterations.

Note: The five 10' tall tiki statues surmounted by gas torch bowls and originally proposed at column face locations in the public right-of-way are not part of this review. They are subject to review and approval by the Bureau of Transportation only.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are:

- Central City Fundamental Design Guidelines
- River District Design Guidelines

ANALYSIS

Site and Vicinity: The subject building, built in 1926 as a two story utilitarian light industrial structure which has been adapted for commercial and office use. The structure predates the building up of the surrounding Pearl District by decades, and displays the true industrial character that has been mimicked, with varying degrees of effectiveness, in many new buildings in the vicinity. The neighborhood is one of mixed new and older development, and the site adjoins the NW Thirteenth Avenue Historic District to the west. NW Glisan Street to the south is designated as a City Bikeway and NW 12th Avenue as a Local Service Bikeway. The surrounding area is designated as a Pedestrian District

Zoning: The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

The EX zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

The Design Overlay Zone (d) promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition,

design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate there are three prior land use reviews for this site in the last ten years, as follows:

- LU 01-007960 DZ, approving general exterior renovations, including new storefront windows, sunshades, and lighting, and the removal of a loading dock on the east facade.
- LU 02-110231 DZ, approving installation of an ATM machine.
- LU 03-121356 DZ, approving two new windows on the north side of the building.

Public Notice: A “Notice of Proposal in Your Neighborhood” was mailed **February 10, 2011**.

Agency Review: The following Bureaus have responded with issues or concerns:

- The Bureau of Transportation raised no objection to the alterations proposed for the building proper, but notes that it has not yet received an application for encroachments in the right-of-way.

Neighborhood Review: Seven responses were received from interested parties:

- On February 13, 2011, Doug Klotz wrote opposing the inclusion of proposed elements in the right-of-way because they would create obstructions for pedestrians.
- On February 27, 2011, Pat Gray Lawrence wrote, reminiscing about her experiences at other Trader Vic's locations worldwide, and urging approval of whatever is needed to allow the restaurant at the proposed site.
- On February 27, 2011, Karen Hutchinson wrote, opposing the approval of the proposed elements in the right-of-way because they a) would establish a precedent for other encroachments, b) are out of character with the neighborhood, c) are poorly designed, and d) create unsafe conditions on the sidewalk.
- On March 1, 2011, Ruth Feldman wrote, objecting to the use of gas torches as energy wasting and aesthetically inappropriate to the setting of the Pearl District.
- On March 1, 2011, Nancy Soga and Reed Rice wrote, supporting the proposal and especially the encroachments in the right-of-way because they will enliven "an otherwise bland intersection".
- On March 2, 2011, M. J. Weinstein wrote, supporting the prospective tenant and the addition of the proposed elements in the right-of-way.
- On March 3, 2011, Sheila and Tom Winslow wrote, supporting the prospective tenant and the addition of the proposed elements in the right-of-way.

Staff Response: As noted above, the proposed statues are subject to Encroachment Review by the Bureau of Transportation, and are not part of this review. All of the comments received on the proposal have been provided to the Bureau of Transportation for use in its review, but no application for review has been received yet.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Staff has considered all guidelines and addressed only those applicable to this proposal.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and

lighting systems, to achieve a coherent composition.

Findings for A6, C2, C3, and C5: The proposal adapts an existing building to a new use in a manner consistent with both its original design and the character of subsequent approved alterations. The existing ground floor openings are maintained and high quality operable (bi-folding) wood windows are proposed in order to open the interior to the street in good weather. The existing canopies on the south elevation are replicated on the east in the area to be occupied by the new tenant, giving a coherent appearance. *These guidelines are therefore met.*

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

Findings for B2, B4, and B6: Three new metal canopies, matching those already in place at storefronts on the south facade and flanking the southeast corner, are proposed on the east facade. In conjunction with the proposed operable windows, which blur the traditional relationship of interior and exterior spaces, these additions provide shelter and help to define an interaction zone along the face of the building. *These guidelines are therefore met.*

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

Findings C7 and C8: The proposal, which is at a corner, activates the sidewalk level of the building by providing the opportunity to open most of the storefronts, thereby defining a zone of interaction along the face of the building. *These guidelines are therefore met.*

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: Two new fan units and associated ducting are proposed on the roof, set back approximately 50' from the east edge of the building and 65' from the south. The proposed installation aligns with existing equipment in an orderly manner as viewed from above. *This guideline is therefore met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposed alterations to the building will both help to adapt it to use as a Trader Vic's restaurant and make valuable contributions to the vitality of the streetscape in the Pearl District. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

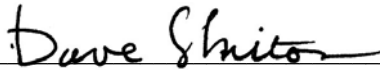
ADMINISTRATIVE DECISION

Approval of storefront remodeling and new canopies in the Central City Plan Area, River District

Approval per Exhibits C-1 through C-8, signed and dated March 10, 2011 subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-203840 DZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on March 10, 2011**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 15, 2011

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on December 23, 2010, and was determined to be complete on February 7, 2011.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 23, 2010.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 29, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **March 30, 2011**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Roof Plan
 - 3. South Elevation (attached)
 - 4. East Elevation (attached)
 - 5. Wall Section
 - 6. Operable Window Details
 - 7. Canopy Details
 - 8. Mechanical Equipment Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice

E. Agency Responses:

1. Bureau of Transportation
2. Water Bureau
3. Life Safety Review Section of BDS

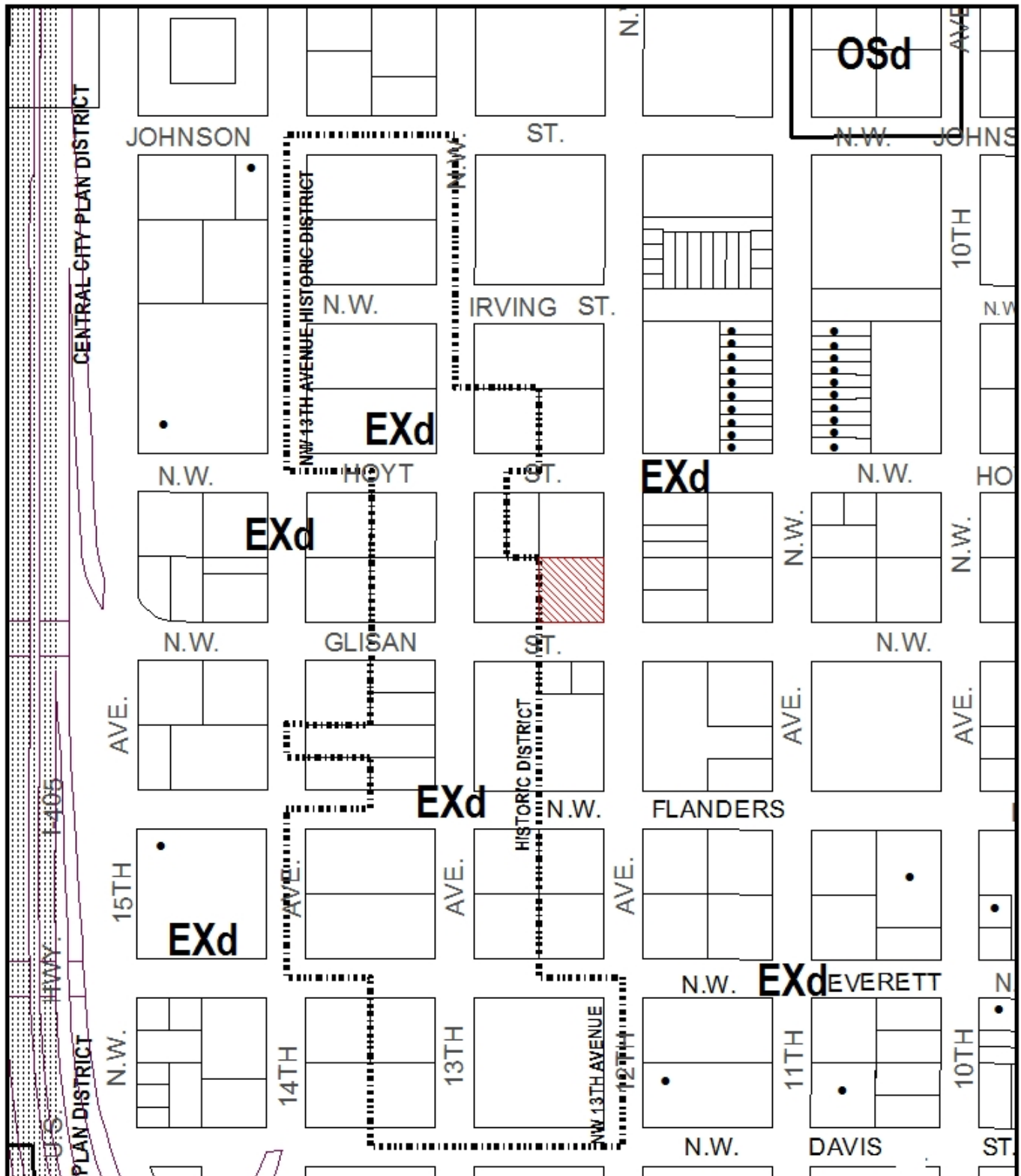
F. Correspondence:

1. Doug Klotz, February 13, 2011, opposing the inclusion of proposed elements in the right-of-way.
2. Pat Gray Lawrence, February 27, 2011, approving of the proposal.
3. Karen Hutchinson, February 27, 2011, opposing the inclusion of proposed elements in the right-of-way.
4. Ruth Feldman, March 1, 2011, opposing the inclusion of proposed elements in the right-of-way.
5. Nancy Soga and Reed Rice, March 1, 2011, supporting the inclusion of proposed elements in the right-of-way.
6. M. J. Weinstein, March 2, 2011, supporting the inclusion of proposed elements in the right-of-way.
7. Sheila and Tom Winslow, March 3, 2011, opposing the inclusion of proposed elements in the right-of-way.

G. Other:

1. Original LU Application
2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



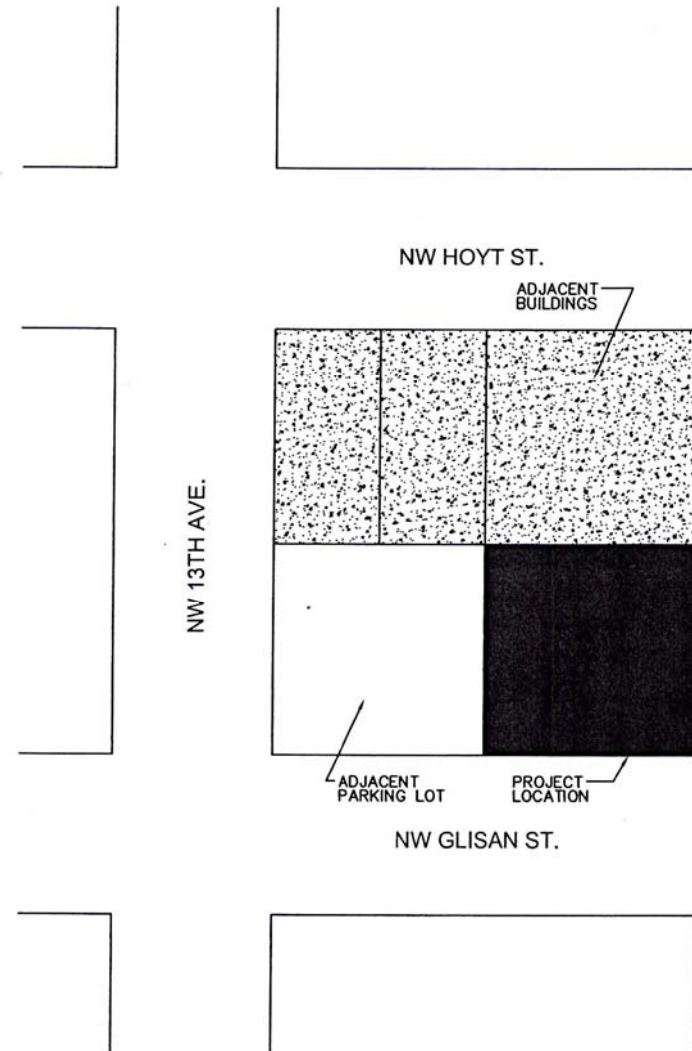
Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 10-203840 DZ
1/4 Section	2928
Scale	1 inch = 200 feet
State_Id	1N1E33AD 3900
Exhibit	B (Dec 30, 2010)



SE CORNER OF 1ST FLOOR IN EXISTING BUILDING



Approved
 City of Portland - Bureau of Development Services
 Planner *Dave Thilman* Date *3-10-11*
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

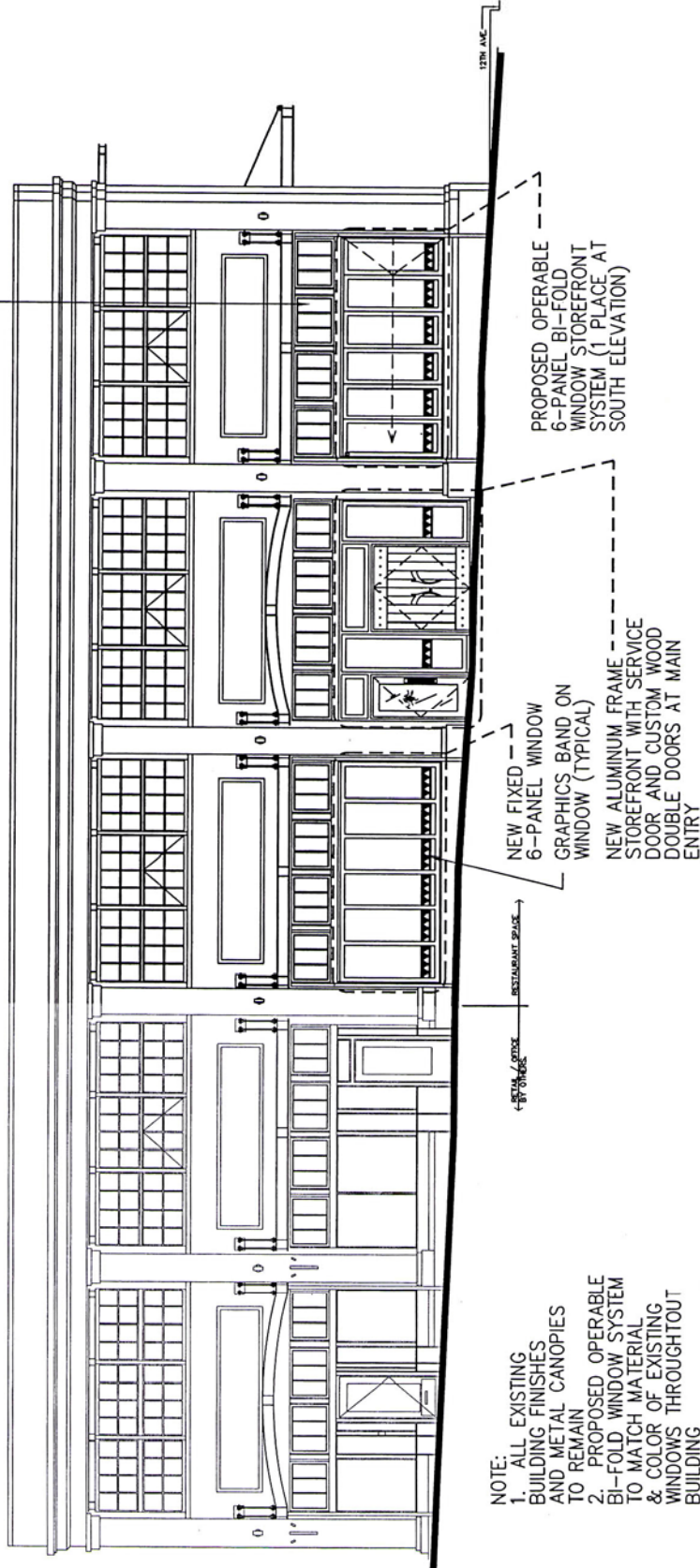
SITE PLAN



TRADER VIC'S

PROJECT NO. : 1022
 DATE : 01/31/11
 SCALE : N.T.S.

EXISTING TRANSOMS
TO REMAIN



- NOTE:
1. ALL EXISTING BUILDING FINISHES AND METAL CANOPIES TO REMAIN
 2. PROPOSED OPERABLE BI-FOLD WINDOW SYSTEM TO MATCH MATERIAL & COLOR OF EXISTING WINDOWS THROUGHOUT BUILDING
 3. ALL NEW STOREFRONTS TO MATCH MATERIAL & COLOR OF EXISTING

1A-REV1



TRADER VIC'S - DESIGN REVIEW

PROJECT NO.: 1022
DATE: 02/18/11
SCALE: 3/32 = 1'-0"

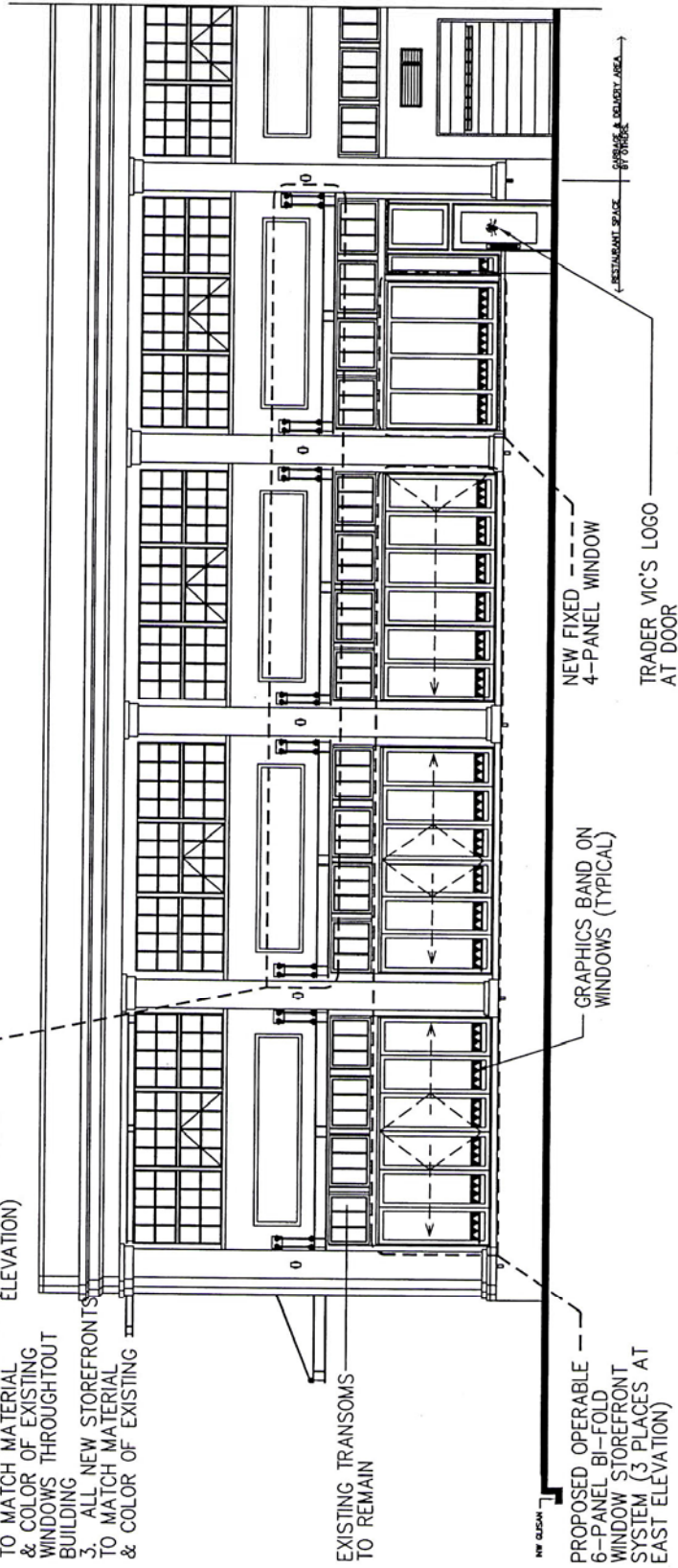
Approved
City of Portland - Bureau of Development Services
Planner: *David H. H. H.*
Date: 3-10-11
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

C-3

NOTE:

1. ALL EXISTING BUILDING FINISHES AND METAL CANOPIES TO REMAIN
2. PROPOSED OPERABLE BI-FOLD WINDOW SYSTEM TO MATCH MATERIAL & COLOR OF EXISTING WINDOWS THROUGHOUT BUILDING
3. ALL NEW STOREFRONTS TO MATCH MATERIAL & COLOR OF EXISTING

NEW METAL CANOPIES TO MATCH EXISTING (3 PLACES AT EAST ELEVATION)



EAST ELEVATION (12TH AVE)

2A-1-REV1



TRADER VIC'S - DESIGN REVIEW
WITH 3 PROPOSED AWNINGS

PROJECT NO.: 1022
DATE: 02/18/11
SCALE: 3/32 = 1'-0"

Approved: _____
City of Portland - Bureau of Development Services
Planner: *David H. Lee*
Date: 3-10-11
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

C-4